REMARKS

Claim Rejections

Claims 8, 10-18, 24-25, 27-33, 39-40, and 42-48 were rejected under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent Publication No. 2002/0169871 (Cravo) and U.S. Patent Publication No. 2003/0003997 (Vuong).

Claim Amendments

Claims 10 and 11 have been canceled.

Independent claims 8, 13, 24, and 39 have been amended to incorporate the features of claims 10 and 11.

Claims 49 and 50 are newly added to develop additional features. Claims 49 and 50 are supported in the application, for example, in paragraphs [0001]-[0007] of the published application.

The Cited References

Cravo is directed to a remote monitoring system including a local server 12 and a monitoring server 20. (¶ [0026]). The local server 12 is connected to an intranet 14 that is connected to the Internet 16 through a firewall 18. (¶ [0026]). The local server 12 collects data that indicates the operating state of the local server 12 and transmits the collected data to the monitoring server 20 via e-mail. (¶ [0027]). The monitor server 20 analyzes that data and generates a report containing a summary of the status of the local server 12, diagnoses problems or defects in the local server 12, and provides a listing of resources on the local server 12 that may need to be updated. (¶ [0027]).

Vuong is directed to a management system for remote and local gaming played at a casino. (¶ [0007]). The system includes a plurality of smart gaming tables 112 and a plurality of gaming machines 118 that are connected to a local area network 116. (¶ [0033]). By selecting one of the plurality of tables 112, a remote player at one of the gaming machines 118 can participate in the play of the casino game conducted at the selected table. (¶ [0033]). The system includes a monitor server 20 which includes mail server software 84, a data analyzer 86, and other components. (¶ [0041]).

Applicants' Claimed Invention Would Not Have Been Obvious

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art and evidence of any secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the M.P.E.P., "[t]o reject a claim . . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." M.P.E.P. §2143A.

Moreover, "[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art." Id. Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

For at least the reasons set forth below, the combination of Cravo and Vuong does not result in Applicants' claimed invention. Thus, a *prima facie* case of obviousness has not been made out.

By way of example, claim 8 recites a probe located at a computer remote from a central server. The probe is configured to determine a value for a metric related to operating status information associated with one or more applications running at the remote computer. For example, the probe may determine the number of fixes applied to software on the computer or the number of transactions that occur in a given day in a database on the computer. (¶ [0025]). In this way, information relating to the internal health of an application running at the computer may be detected by the probe and reported to the central server. (¶ [0006]-[0007]).

Claim 8 also recites a tester and a selector at a central server. The tester is configured to determine if the first value is acceptable by comparing the first value with a range of acceptable values for one or more of a plurality of filters. The selector is configured to select, based on the first metric and an indication of a first site, a first filter from a plurality of filters. Selecting a first filter from a plurality of filters may allow, for example, different ranges of acceptable values to be applied to the same metric collected from different sites. (Figs. 1-3). For example, different sites may have different filter values for transactions, open dates, etc. (Figs. 1-3).

The Office Action acknowledges that Cravo does not disclose a plurality of filters and a selector configured to select a first filter from the plurality of filters. (Office Action, page 4, lines 12-13). Vuong is cited in the Office Action as disclosing the features lacking in Cravo related to a plurality of filters. (Office Action, page 4, lines 13-22).

Vuong discloses a database including identification data for each player and performance data for the casino. (¶ [0079]-[0091]). The Office Action states that Vuong describes enabling "particular rules to be applied based on such registered identification." (Page 4, lines 16-17). However, the passages of Vuong cited in support of this statement have nothing to do with a plurality of filters that each define a range of acceptable values. Instead, the cited passages describe the conventional management of local and remote game play by casino systems and personnel. (¶ [0101]-[0105]).

For example, Vuong describes determining whether to accept wagers from remote players based on whether wagers are received before a count down indicator reaches zero. (¶ [0102]). However, Vuong fails to disclose or suggest comparing received wagers with a range of acceptable values for one or more of a plurality of filters. As another example, the rules engine described in Vuong is configured to generate a substitute response for a wager-based game if the player does not provide a response, (¶ [0104]) not determine whether data is acceptable by comparing it to a range of acceptable values.

Further, insofar as Vuong describes applying criteria to the stored data, Vuong suggests that the same criteria be applied to all of the data. For example, Vuong states that "[n]etwork control manager 828 can set alarm points indicative of potential fraudulent conditions." (¶ [0090]). However, Vuong provides no details about these alarm points. For example, Vuong fails to disclose or suggest that different alarm points may be used for the same metric (e.g., as transmitted from different sites).

Thus, Vuong fails to disclose or suggest a tester that includes a plurality of filters that each define a range of acceptable values, as recited in claim 8. Vuong also fails to disclose or suggest a selector configured to select a first filter from the plurality of filters.

Therefore, Cravo and Vuong (considered alone or in combination) fail to disclose or suggest a tester that includes a plurality of filters, each of the plurality of filters defining a range of acceptable values for the first metric, as recited in claim 8. Further, Cravo and Vuong fail to disclose or suggest a selector configured to select, based on the first metric in the first message, a first filter from the plurality of filters, as recited in claim 8. Independent claims 13, 24, and 39 recite features similar to claim 8.

Thus, the cited references, considered alone or in combination, fail to disclose or suggest several features recited in the independent claims. Therefore, the independent claims would not have been obvious in view of the cited references. The dependent claims include all of the features recited in the independent claims on which they are based and thus would not have been obvious for at least the same reasons as their respective independent claims.

Therefore, is respectfully requested that the rejection to the claims under 35 U.S.C. 103(a) be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P319).

Dated: October 13, 2009

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/William J. Egan, III/

William J. Egan, III
Reg. No. 28,411

P.O. Box 70250
Oakland, CA 94612-0250